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ACTION ARA-10

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ENDORSE EXISTING MARKINGS ☐

DECLASSIFIED ☐ RELEASABLE ☒

RELEASE DENIED ☐

PA or FOI EX OPTIONS

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USIA FOR ILA, IOP/M

E.O. 11652: N/A

TAGS: PINS, SHUM, UY

SUBJECT: MITRIONE MURDERER'S APPEAL REJECTED

1. BEGIN UNCLASSIFIED. SUMMARY: IN A HEARING ATTENDED BY MEDIA REPRESENTATIVES, THE SUPREME MILITARY TRIBUNAL ON FEBRUARY 15 CONSIDERED THE APPEAL OF ANTONIO MAS MAS, CONVICTED MURDERER OF AID OFFICIAL DAN MITRIONE AND THREE OTHER PERSONS, PARTICIPANT IN THE KIDNAPPING OF BRITISH AMBASSADOR JACKSON AND PERPETRATOR OF NUMEROUS OTHER CRIMES. THE COURT CONFIRMED MAS' CONVICTION AND RATIFIED HIS SENTENCE TO SERVE FROM 42 TO 45 YEARS IN PRISON. END SUMMARY.

2. MLN-TUPAMARO ACTIVIST ANTONIO MAS MAS, FOUND GUILTY AND SENTENCED SOME TIME AGO TO MURDER, KIDNAPPING, ASSAULT, SUBVERSION AND OTHER CRIMES, APPEALED HIS SENTENCE TO THE SUPREME MILITARY TRIBUNAL, THE HIGHEST COURT IN THE MILITARY COURT SYSTEM. MAS' CASE WAS HEARD ON FEBRUARY 15. FOLLOWING ARGUMENTS BY THE PROSECUTION, DEFENSE LAWYERS, AND A VERY BRIEF QUESTIONING OF MAS, WHO CHOSE NOT TO MAKE A STATEMENT, THE THREE JUDGES WITHDREW. RE-  
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TURNING SOME TWO HOURS LATER, THEY RATIFIED THE LOWER COURT'S

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SENTENCE, 12 TO 15 YEARS OF IMPRISONMENT UNDER "MAXIMUM SECURITY MEASURES" AND 30 YEARS IN THE PENITENTIARY. EACH SENTENCE IS THE MAXIMUM PERMITTED UNDER THE LAW AND THEY ARE NOT SERVED CONCURRENTLY. IN ACCORDANCE WITH URUGUAYAN LEGAL PRACTICE, MAS' POSSESSIONS WERE EMBARGOED AND WILL BE USED BY THE STATE TO HELP DEFRAY THE COSTS OF HIS TRIAL AND INCARCERATION. FINALLY, WHEN FREED, MAS WILL BE EXPELLED FROM URUGUAY AS AN UNDESIRABLE ALIEN (HE IS SPANISH).

3. THE DEFENSE LAWYER, A FRENTE AMPLISTA WHO HAD DEFENDED OTHER TUPAMAROS, FIRST ACKNOWLEDGED THAT HIS CLIENT WAS GUILTY OF REPUGNANT CRIMES AND THEN BASED HIS DEFENSE ON TWO GROUNDS. FIRST, HE ARGUED THAT DESPITE PSYCHOLOGICAL EXAMINATIONS SHOWING MAS TO BE MENTALLY RESPONSIBLE, MAS OBVIOUSLY DID NOT APPRECIATE THE MORAL IMPLICATIONS OF HIS ACTS. CLASSIFYING THIS AS MORAL INSANITY, THE LAWYER CLAIMED THAT AN AMORAL MAN ACTING ON INSTRUCTIONS OF PERSONS HE CONSIDERED HIS SUPERIORS SHOULD AT LEAST BE CONSIDERED TO HAVE "DIMINISHED RESPONSIBILITY" AND ASKED THAT IF MAS SHOULD BE GIVEN THE MAXIMUM SENTENCE, "WHAT SHOULD BE GIVEN TO HIS SUPERIORS?"

SECOND, THE LAWYER QUESTIONED, UNSUCCESSFULLY, THE RIGHT OF A MILITARY COURT TO JUDGE CIVILIANS. (NOTE: WHILE WE DO NOT KNOW WHEN MAS WAS FIRST SENTENCED BECAUSE OF THE SECRECY OF LOWER COURT PROCEEDINGS, THE LAWYER MAY HAVE BEEN CHALLENGING BOTH THE NATIONAL SECURITY LAW OF 1972, WHICH GAVE MILITARY COURTS JURISDICTION OVER PRE-TRIAL INVESTIGATION AND ARRAIGNMENT FOR PERSONS ACCUSED OF SUBVERSION AND OTHER CRIMES AGAINST THE NATION, AND THE DEC. 18, 1975 LAW EXTENDING THE JURISDICTION OF MILITARY COURTS TO COVER THE TRIAL AND SENTENCING OF PERSONS ACCUSED OF SUCH NO MATTER WHEN COMMITTED.)

4. NORMALLY, MILITARY TRIALS IN THE LOWER MILITARY COURTS ARE CLOSED AND THOSE IN THE SUPREME MILITARY TRIBUNAL OPEN TO THE PUBLIC. HOWEVER, GIVEN THE WIDE INTEREST IN THIS  
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CASE AND SPACE LIMITATIONS IN THE COURT (WHICH IS IN A MODEST-SIZE HOUSE), ACCESS WAS GRANTED ONLY TO MEDIA REPRESENTATIVES WHO NUMBERED ALMOST 100. END UNCLASSIFIED

5. BEGIN LIMITED OFFICIAL USE. THE EMBASSY DOES NOT KNOW WHETHER THIS CASE AROSE AT THIS TIME AS A RESULT OF THE NORMAL APPEAL PROCESS (ANOTHER CASE WAS HEARD BY THE SAME COURT ON

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FEBRUARY 15, TOO) OR AS A RESULT OF THE GOU'S DESIRE TO CALL  
ATTENTION OF CRITICS OF ITS HUMAN RIGHTS RECORD TO THE  
SPECIFIC CASE OF MAS. THE FIRST INDICATION OF THIS CASE WAS  
MAJOR HEADLINES IN EL PAIS ON FEBRUARY 15 ANNOUNCING THAT  
THE HEARING WOULD BE HELD THAT DAY.  
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